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Introducing Mr. Edward "Ward" J. Staffeld

Newaygo County Court Administrator/Friend of the Court Director

Edward "Ward" J. Staffeld became the Newaygo County Court Administrator/ Friend of the Court Director in July 2007. Mr. Staffeld earned a bachelor's degree with a double major in Criminal Justice and History from Northern Michigan University. He also earned a Master's Degree in Public Administration from Western Michigan University. Before becoming the Newaygo County Court Administrator/



FOC, Mr. Staffeld worked with the Ingham County Friend of the Court for twenty years and was that office's Director of Investigations when he retired in 1997. Mr. Staffeld then worked as the Deputy Director of the Jackson County Friend of the Court for nearly nine years.

Ward and Nancy Staffeld have been married for forty years. She is the vice president of clinical services for the Eaton Rapids Medical Center. The Staffelds have "four wonderful children and nine grandchildren, with one additional on the way."

Newaygo County, located about thirty-five miles north of Grand Rapids, has approximately 50,000 residents. The median household income is \$34,000. The two primary industries in the county are Gerber Products and Donnelly Automotive. With more than 230 lakes in the county, the tourism industry is also significant.

The Newaygo County FOC office is located in White Cloud, at 1092 Newell. The office phone number is (231) 689-7260. The office is open from 8:00 a.m. until 5:00 p.m., Monday through Friday. Walk-in appointments are accepted during office hours. In addition, free parking is available.

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St. Clair County Friend of the Court's Jail Alternative Sentencing Program (JASP)

by State Court Administrative Office, Friend of the Court Bureau Staff

Susan Borovich, St. Clair County Friend of the Court Director, is always looking for a way to ensure compliance with child support orders. About eighteen months ago, she heard about the Ingham County FOC's Jail Alternative Sentence Project (JASP) and sent an attorney from the St. Clair Friend of the Court (FOC) to learn more. Ingham County gladly provided the St. Clair FOC with information and JASP forms. Since June 1, 2004, Ingham County has required nonpayers of child support who would have been incarcerated to work in the county's parks instead. After seeing how successful this program has been in Ingham County, Ms. Borovich began working with her staff to develop their own jail alternative program.

St. Clair County implemented what it calls the **Jail Alternative Sentencing Program (JASP)** on May 15, 2007. Jennifer Brown supervises the program, which operates in the following manner:

FOC staff screen nonpayers to make sure they do not have any violent criminal convictions or personal protection orders. When the nonpayer goes to court, the judge then will offer the nonpayer an opportunity to make a minimum payment and then enter JASP. A participant is not incarcerated but instead assigned to work in the county park after passing the initial screening and making the minimum payment. The average sentence is 75-100 hours of JASP work.

In addition to working in county parks, participants in St. Clair County's JASP must attend Michigan Works! for a minimum of at least two weeks. This helps the nonpayers find employment so that they can pay their child support. While at Michigan Works!, the participants learn important skills, such as writing resumes, applying for jobs, and interviewing. During these first two weeks, participants also fill out an interest-inventory form to ensure that they are seeking employment. They also watch a video that advises them on what to do if they lost their previous job because they were sent to jail. The hours spent at Michigan Works! are subtracted from their sentences.

Judges sentence nonpayers who have part-time jobs or work at night. Some nonpayers already have full-time jobs, but still can participate in JASP. The program tries to accommodate the participant's existing work schedules.

Since the program first started, seventy-nine St. Clair County nonpayers have been sentenced to JASP. Only nine have failed to complete the program, which led to bench warrants being issued. Participants who drop out of the program cannot reenter. Ten participants have obtained outside employment through JASP, which is about twenty-two percent of the participants who have successfully completed the program. Many participants now pay more in child support than before they entered the program, and none pay less.

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Michigan's Updated Child Support Guidelines

by State Court Administrative Office, Friend of the Court Bureau Staff

Child support professionals who calculate support obligations will find their task a little easier thanks to the 2008 Michigan Child Support Formula Manual just released by the State Court Administrative Office (SCAO). "The new manual that takes effect October 1, 2008, is the culmination of a great deal of hard work by many people" said Dan Wright, SCAO Family Services Division director. "In addition to my staff, we received invaluable input from review workgroup members who represented the Friend of the Court Association, the Family Law Section of the State Bar, the Referee's Association, the Office of Child Support, MiCSES, and prosecuting attorneys."

SCAO's point-person for the formula, senior management analyst Bill Bartels, said, "None of the changes are earthshattering. At its core the formula manual continues doing what it always has done, but we've changed a few things, and tried to make it more consistent and easier to understand."

While conducting its review, the workgroup focused on fine-tuning the formula to fit situations where the current manual's results often cause people to ask questions. By drawing on the knowledge of its members, the workgroup evaluated many alternatives, and reached unanimous agreement on all the changes. Bartels credits the group with its cohesive result by stating, "Anytime you get together smart individuals who want to make a positive contribution, success isn't difficult; you just have to be smart enough to listen to them." After reviewing the workgroup's recommendations, the Friend of the Court Association, the Referee's Association of Michigan, the Office of Child Support, and the Family Law Section all sent letters supporting the changes to Chief Justice Clifford Taylor.

Michigan's guideline always has given a reduction in support payments to payers who spend time with their children. To make the guideline easier to use, and to alleviate some concerns, the 2008 parenting time abatement and shared economic provisions include a Parental Time Offset. "It's the new, improved model of the old shared economic responsibility formula," explains Wright.

Or, as Bartels boasts, "the 2008 model is fine-tuned, souped-up, and refitted to apply to all cases." The new Parental Time Offset *prospectively* eliminates parenting time abatements. Once implemented, this change will save local courts thousands of dollars that local offices now expend annually handling several abatement requests in each case, and will reduce the numbers of corresponding notices, disputes, and financial adjustments.

The new manual also includes several new deviation factors. It suggests looking closely at whether the formula would cause an unjust or inappropriate result in cases where a parent who pays support: (1) is ordered to pay significant amounts of restitution or costs associated with a criminal conviction (other than failure to pay support); (2) makes bankruptcy payments or has a debt discharged; or (3) also personally provides a significant amount of daycare for a child.

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Interstate Corner: Questions and Answers

Question: When requested by a party, should a friend of the court (FOC) office initiate a review or seek local modification of a final order or judgment issued by that court when all of the parties have left the state and children supported in that order no longer reside in Michigan?

Answer: No. Determining when an order will be modified when all the parties and the children have left the state depends on whether another state subsequently modified Michigan's support order.

1. When another state has registered and modified Michigan's support order, MCL 552.1224(2) requires Michigan to recognize that the other state has assumed continuing exclusive jurisdiction and bars Michigan from exercising continuing jurisdiction to modify the order.
2. When Michigan is the only state that has issued a support order, the authority to modify it is questionable. Neither the Michigan Court of Appeals nor the Michigan Supreme Court has issued a decision to settle the issue. The Uniform Interstate Family Support Act (UIFSA) suggests, but does not explicitly prohibit, that when all of the parties and children no longer reside in Michigan, since jurisdiction is no longer exclusive, that Michigan courts should not exercise continuing jurisdiction to modify a support order.

The federal Full Faith and Credit for Child Support Orders Act (FFCCSOA) requires that if neither party nor the children live in the issuing state, the party seeking to modify a child support order issued in another state must register that order in a state that has jurisdiction over the other party.

In a situation where no party or children still reside in Michigan, despite the chance that Michigan courts have continuing jurisdiction to modify a support order, FFCCSOA requires a party seeking to modify a support order issued in another state to register the order in a state with jurisdiction over the other party.

If a support order is modified after all the parties and children have left a state, that order could be void due to lack of subject matter jurisdiction. Many other states' appellate decisions find that modifications made after all parties have left a state are void and therefore unrecognizable.

If neither party nor the children reside in Michigan, FOC offices should not initiate a review or seek modification because doing so (1) violates FFCCSOA, (2) allows a party to circumvent federal law, and (3) risks that any resulting order would be void or voidable because of the Michigan court's loss of personal or subject matter jurisdiction. When a party requests that the FOC initiate a review of the Michigan order, the office should deny the request on the basis that FFCCSOA requires registration for modification in a state with jurisdiction over the other party.

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Introducing Mr. Edward J. Staffeld, continued from page 1

Forms and links are available at the Newaygo County FOC website address: <http://www.countyofnewaygo.com/Courts/Circuit/CCFOC.htm>. There is no “office” email address; instead, the public is encouraged to contact individual FOC workers directly.

Three judges and one referee serve a judicial circuit that includes both Newaygo and Oceana Counties. The office’s twenty-one employees serve between 4,000 and 5,000 cases. Thirteen work only on FOC activities, while the remaining eight employees have other Circuit Court or Juvenile Court duties. The Newaygo FOC has partnered with community agencies for both FOC and juvenile activities.

Pundit Q & A with Ward Staffeld:

Why did you choose a career in child support? It was totally by chance in the beginning, but I learned to love it over time, and have had a wonderful career for nearly 30 years.

What is the most satisfying aspect of being a FOC Director? Helping people in need, and having the opportunity to work with a truly wonderful staff in Newaygo County. Working along side them makes each day a joy.

What is the most frequently asked question you receive from litigants? I’m not certain there is a most frequently asked question, but the questions we do get are usually prefaced with the phrase, “you people...” something that has always brought a smile to my face.

In your opinion, what is the best thing about the Michigan child support program? The amazing dedication of those who work within it, and the huge number of children and families who benefit from that effort.

What do you think is the most critical challenge facing the Michigan child support system today? Maintaining staffing at a level that allows us to complete the work. We have heard the phrase “doing more with less” for more than twenty years, and it has now reached a point where the manpower is not available to continue following that credo. I hope those who control our purse strings recognize this as a major issue. More cuts will decimate this program.

If you had your choice of making one improvement to the Michigan child support program, what would it be? More people (money) with whom to accomplish our daily tasks.

What would you like to see done at the state and/or federal levels to strengthen the Michigan child support program? More funding and more stable funding. Without adequate financial support for our agency, we are not able to do our

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St. Clair County Jail Alternative Sentencing Program, continued from page 2

A JASP participant who wants to leave the program early must post a full bond. From this source alone the FOC has received \$50,765 in child support since the program began. The program also has saved \$159,907 in jail costs. Using minimum wage and only including hours actually worked, JASP has saved the county parks \$21,763 in labor costs.

The FOC and St. Clair County Parks have partnered to fund JASP, with the FOC providing two-thirds of the funding and St. Clair Parks providing one-third. For self-image reasons, the participants wear county park t-shirts instead of jail uniforms. The shirts are laundered by the county jail. The jail also provides a lunch for each participant, at a cost to the jail of about \$1.50 per meal.

According to Ms. Borovich, the greatest benefits from this program are that several clients have obtained outside jobs and the FOC is collecting current child support from those clients. While the plan was initially developed to help collect past-due support, the additional benefits have been phenomenal.

Ms. Brown, the JASP supervisor, has had a great deal of experience with child support enforcement in St. Clair County, and observes that the type of nonpayer has changed because of the economy. Because of JASP the FOC's now involved with more people who are not making regular payments because they recently lost their jobs. These are ideal candidates for JASP because they have a desire to work and pay their child support. JASP does not accept nonpayers who have a huge arrearage or a poor payment history. The FOC's goal is not only to avoid jail sentences for these nonpayers but, to help them find employment.

As part of her supervisory duties, Ms. Brown also explains to JASP participants about FOC procedures, such as how to modify a child support order

Overall, JASP has been a great success for St. Clair County. Nonpayers have found employment, resumed making their child support payments, and built their self-esteem in the process. Many participants are excited and proud of the work they have done in the parks. They even bring their children to the parks to see what they have accomplished. The program has lessened jail overcrowding, and the county parks employees appreciate the additional help.

“... the greatest benefits from this program are that several clients have obtained outside jobs and the FOC is collecting current child support from those clients.”

Michigan Updated Child Support Guidelines, continued from page 3

In the years since the Supreme Court's decision in *Ghidotti v Barber*, 459 Mich 189 (1998), many Court of Appeals decisions have emphasized the importance of looking at a parent's *actual* earning ability. To incorporate those ideas, the manual's section on income imputation has been rewritten. The new version states, "Income includes the *potential* income that parent could earn, subject to that parent's actual ability." 2008 MCSF 2.01(G).

Wright emphasized the workgroup's efforts to make the manual easier to understand. "To the extent anyone can take complicated ideas and clearly express how they apply to thousands of different situations, our staff has tried to do that. They asked trial court staff, staff from other SCAO divisions, law students, and even family members for suggestions on how we could make the guidelines clearer."

"The new changes make this 2008 revision a 'must read' for judges, referees, attorneys, and friend of the court staff," said Bartels. "Because printed copies will not be available for several months, everyone should visit the Michigan Child Support Formula Manual's official website to read it online or to print a copy. The web address is <http://courts.mi.gov/scao/services/focb/mcsf.htm>."

"The new changes make this 2008 revision a 'must read' for judges, referees, attorneys, and friend of the court staff."

Introducing Customer Service Clerks, Ms. Sanaz Esfahani and Spence Range

The Friend of the Court Bureau has hired Sanaz Esfahani to work as a customer service clerk. Sanaz is a third-year law student at Thomas M. Cooley Law School. She is a member of the Women's Law Alliance and an associate editor for the Law Journal. Sanaz earned her Bachelor of Science degree in Business Administration with a concentration in Finance from the University at Buffalo in Buffalo, New York. After she graduates in May 2008, Sanaz intends to pursue a career in family law and estate planning in Florida. In her free time Sanaz enjoys reading and traveling.

Spencer Range has been hired as a customer service clerk for the Friend of the Court Bureau. Spencer is a second-year law student at Thomas M. Cooley Law School. He grew up on a farm in Southern Illinois near St. Louis, MO, and holds Bachelors of Science degrees in History and English from MacMurray College. Spencer's primary interest outside of school is fitness, whether it is with regards to training others or himself. He has worked as a freelance personal trainer for more than six years and particularly enjoys working with young athletes and anyone else with a desire to do well. After graduation, Spencer plans to return to the St. Louis area to pursue a career in family law because he enjoys helping everyday people from all walks of life work through relevant, important issues in their lives.

“The key to enforcement is having enough dedicated personnel to conduct the enforcement process.”

Introducing Mr. Edward J. Staffeld, continued from page 5

jobs. I sincerely hope that the money issues at both the state and national level are resolved in our favor. If not, we face a disaster of unrivaled proportions in child support collection.

What best practice used in your office are you most proud of? I have always been a great proponent in strong enforcement programs and have had success over the years in that regard. I’m looking forward to enhancing our child support enforcement and also creating a court conciliation program so we have a better relationship with the public when they first come in contact with our agency. I am also very proud of our office orientation program. The focus of the program is educating the public on what the FOC does and does not do. That is very well received by the public.

What is the key to a successful child support program in the future? The key to enforcement is having enough dedicated personnel to conduct the enforcement process. All FOC programs work if you have the personnel to operate them. Without the manpower, they are fruitless activities.

Who is your personal hero? I have two: My father, Russell J. Staffeld, and my high school football coach, Adolph Van Citters. They were each magnificent men in their own right, and each had a very significant impact on who I have grown to be.

The Pundit staff would like to thank Mr. Staffeld for taking the time to be interviewed. We wish him the best in his new position of Newaygo County Court Administrator and FOC Director.

Interstate Corner: Questions and Answers, continued from page 4

It is more cost effective for FOCs to comply with the requirement that modification be sought in another state than it is for the FOCs and courts to expend resources on a review and modification that has a high potential for being legally meaningless.

The following are three recent decisions concerning this issue:

In re Marriage of Stewart (Missouri)

Dismissed for Lack of Subject Matter Jurisdiction: Courts have no subject matter jurisdiction over motions to modify support orders when neither parent, nor the affected child, reside in the issuing state.

<http://www.courts.mo.gov/courts/pubopinions.nsf/ccd96539c3fb13ce8625661f004bc7da/3256b244e16b87c0862572720058d633?OpenDocument&Highlight=0,Stewart>.

Missouri v Grate (Missouri)

A judge does not have authority to issue an order due to a loss of subject matter jurisdiction once all parties and children have left the state.

<http://www.courts.mo.gov/courts/pubopinions.nsf/ccd96539c3fb13ce8625661f004bc7da/272fe44ca573948e862572250065918b>.

Gibson v Gibson (Kentucky)

Once the issuing state has lost continuing, exclusive jurisdiction and a motion to modify child support is filed, upon proper motion, the order for child support should be forwarded to an appropriate tribunal that can order and assume continuing exclusive jurisdiction. The party desiring modification has the burden to take appropriate action in the appropriate state. When parties and children leave the issuing state, it loses jurisdiction to modify, but retains jurisdiction to enforce.

KY COA 2004-CA-000313 [2004-CA-000313](#).

“It is more cost effective for FOCs to comply with the requirement that modification be sought in another state than . . . to expend resources on a review and modification that has a high potential for being legally meaningless.”